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10/624,454

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Steven M. Casey

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EXAMINER

NGUYEN, VAN KIM T

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/624,454	<b>Applicant(s)</b> CASEY ET AL.	
	<b>Examiner</b> Van Kim T. Nguyen	<b>Art Unit</b> 2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>None</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office Action is responsive to communications filed on April 6, 2009.

Claims 1-46 are pending in the application.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-46 have been considered but are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Amended claim 1 recites newly added limitations:

*“A system for medical monitoring of a patient at customer patient premises, comprising:  
a medical-data collection device that collects medical data from the patient, wherein the  
medical-data collection device is interfaced with a transport medium internal to the customer  
patient premises; and*

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*a network interface device disposed at a perimeter of the residential patient premises, the network interface device having;*

*a first medical-monitoring microserver to process the collected medical data and second medical-monitoring microserver to exchange the data between the internal transport medium and the external transport medium;*

*a processor in communication with the plurality of microservers and having software instructions to coordinate transmission of the collected medical data over the transport medium external to the residential patient premises;”*

However, the newly added subject matter was not disclosed in the original specification, claims, and/or drawings; thus failing to comply with the written description requirement under 35 USC 112, first paragraph.

Claims 2-46 are rejected under the same basis.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 7-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the authentication microserver" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the file-transfer microserver" in line 2. There is insufficient antecedent basis for this limitation in the claim.

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Claim 9 recites the limitation "the dynamic host configuration protocol microserver" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 10-13 are dependent on claim 9, thus rejected under the same basis.

***Claim Rejections - 35 USC § 102***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1-8, 12-13, 17-19, 21-25, 27-28, 32-33, 35-37, 39-40 and 44-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Casey et al (US 7,264,590), hereinafter Casey.

Regarding claims 1, 22 and 35, Casey discloses a system for medical monitoring of a patient at a customer patient premises, comprising:

a medical-data collection device (109; Figure 1A-D) that collects medical data from the patient, wherein the medical-data collection device is interfaced with a transport medium (124, Figure 1A-D) internal to the customer patient premises 116 (col. 9: lines 38-48); and

a network interface device (108; Figure 1A-D) disposed at a perimeter of the residential patient premises (116), the network interface device having;

an isolation device (108; Figure 1A-D) adapted to isolate a transport medium internal to a customer premises from a transport medium external to the customer premises such that operational changes to one of the internal and external transport media do not affect the other of the internal and external transport media (col. 5: line 65 – col. 6: line 11 and col. 9: lines 20-29);

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a first interface (112A-B; Figure 1A-D) coupled with the isolation device (108; Figure 1D) and adapted to communicate with the external transport medium (112A-B; Figure 1A-D), wherein the external transport medium is in communication with a distribution point (104A-B; Figure 1A-D);

a second interface (124A-C; Figure 1A-D) coupled with the isolation device (108) and adapted to communicate with the internal transport medium (col. 9: lines 38-60); and

a plurality of microservers (109A-C, Figure 1A-D) disposed external to the customer premises (116, Figure 1A-D) and coupled with the first and second interfaces, wherein the plurality of microservers are adapted to receive information from the external transport medium and includes software and hardware for implementing a first medical-monitoring microserver to process the collected medical data and a second medical-monitoring microserver to exchange the data between the internal transport medium and the external transport medium (col. 12: line 38 – col. 13: line 34, and col. 15: lines 25-40), wherein the plurality of microservers are plug-and-play combatable such that any of the plurality of microservers are configured to be able to be added and/or removed from the network interface device at any time and without configuration (col. 6: lines 6-11 and col. 9: lines 20-29), and wherein the plurality of microservers are integrated in the network interface device (col. 8: lines 2-5 and col. 9: lines 7-13);

a processor (244; Figure 2A) in communication with the plurality of microservers (232, 236; Figure 2A) and having software instructions to coordinate transmission of the collected medical data over the transport medium external to the residential patient premises (Figure 2A; col. 17: lines 12-46);

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wherein the isolation device adapted to provide communications security by preventing a microserver from accessing communications information which is associated with another microserver (col. 6: line 40 - col. 7: line 3 and col. 18: lines 36-56).

Regarding claim 2, Casey also discloses the isolation device and the plurality of microservers are disposed within a common housing (col. 8: lines 2-5).

Regarding claim 3, Casey also discloses the common housing is disposed on an exterior wall of the customer premises (col. 9: lines 7-10).

Regarding claims 4 and 23, Casey also discloses an addressable application device coupled with the plurality of microservers, wherein the addressable application device is adapted to receive the processed telecommunication information and to execute a defined application as an aid to implementing the microserver functions over the internal transport medium (col. 7: lines 26-44).

Regarding claim 5, Casey also discloses the addressable application device is disposed external to the customer premises (col. 7: lines 31-36).

Regarding claim 6, Casey also discloses the isolation device, the plurality of microservers, and addressable application device are disposed within a common housing (col. 18: lines 36-56).

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Regarding claims 7, 24 and 36, Casey also discloses the authentication microserver is adapted to verify that the microserver functions are authorized for the customer premises (col. 12: lines 10-25).

Regarding claims 8, 25 and 37, Casey also discloses the file-transfer microserver is adapted to transfer an electronic file of information to or from the network interface device (Figure 3; col. 21: line 46 – col. 22: line 28).

Regarding claims 12, 27 and 39, Casey also discloses the plurality of microservers comprise a code-processing microserver adapted to receive code and process the code for use by another component of the network interface device (col. 17: lines 27-46 and col. 20: lines 49 – col. 21: line 11).

Regarding claims 13, 28 and 40, Casey also discloses the webserver microserver adapted to render a display of incoming web page information suitable for presentation with a web-browser enabled device (col. 21: lines 9-11).

Regarding claims 17, 32 and 44, Casey also discloses the plurality of microservers comprise a wireless microserver adapted to provide an interface between wireless communications within the customer premises to the external transport medium (col. 10: lines 42-59).



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Regarding claims 18, 33 and 45, Casey also discloses the plurality of microservers comprises an RF power-level microserver adapted to monitor an RF power level of telecommunication information received at the first interface (sufficient signal strength is provided to permit the transmitter 135 to be moved around the patient premises without loss of signal; col. 10: lines 60-65).

Regarding claim 19, Casey also discloses the plurality of microservers comprise a test-access microserver adapted to verify proper functioning of another component of the network interface device (control point 128 operated by a medical service provider for controlling features of the operation of the demarcation device 108; col. 11: lines 6-24).

Regarding claim 21, Casey also discloses upgradeable firmware that supports the plurality of microservers (271, Figure 2C; col. 20: lines 50-53).

9. Claims 9-11, 15-16, 20, 26, 30-31, 34, 38, 42-43 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casey as applied to claim 1 above, in view of Rakib (US 6,970,127).

Regarding claims 9-11, 26 and 38, Casey discloses substantially all the claimed limitations, except a dynamic host configuration protocol microserver adapted to manage an internet-protocol address assignment to a device coupled with the internal transport medium.

As shown in Figure 8, Rakib teaches a home gateway comprising a DHCP server 320 assigns addresses to clients on the LAN and in the gateway (col. 27: lines 16-17; Figure 8).

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Obviously, internet-protocol address assignment can either be public or private address assignment.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Rabik's method of using a DHCP server in Casey's system in order to access, control and monitor the gateway remotely.

Regarding claims 15, 30 and 42, Casey-Rakib also teaches the plurality of microservers comprises an instant-messenger microserver adapted to provide instant-messaging functionality over the internal transport medium (Rabik; col. 23: lines 13-17).

Regarding claims 16, 31 and 43, Casey-Rakib also teaches the plurality of microservers comprises:

a webserver microserver adapted to render a display of web-page information suitable for presentation with a web-browser enabled device (Rabik; col. 31: lines 25-38); and

an advertising microserver adapted to overlay an advertisement over the display of web-page information (Rabik; col. 22: lines 63-67)

Regarding claims 20, 34 and 46, Casey-Rakib also teaches a webserver microserver coupled with the plurality of microservers and adapted to provide a customer-based graphical user interface for implementing software configuration changes of the microserver (Moore-Bhogal; col. 5: lines 60-67 and Rabik; col. 31: lines 25-38).

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10. Claims 14, 29 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casey as applied to claim 1 above, in view of Johnson et al (US 5,694,616).

Casey does not explicitly disclose initiating an email alert in response to receipt of an email at an email account.

Johnson et al teaches initiating an alert in response to receipt of an email message at an email account (col. 3: lines 16-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Johnson's method of notifying the receiving of email in Casey's system in order to provide receivers with a friendly user email product that alerts users with receiving messages.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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